

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2017 Legislative Session

Bill No. CB-55-2017

Chapter No. 15

Proposed and Presented by Council Member Davis

Introduced by Council Members Davis, Franklin, Glaros, Harrison, Lehman, Patterson
Taveras, Toles and Turner

Date of Introduction May 25, 2017

BILL

1 AN ACT concerning

2 Fiscal Year 2018 Appropriations

3 For the purpose of making appropriations for the support of the County government and for the
4 Prince George's Community College and for the schools, institutions, departments, offices,
5 boards, commissions, and agencies of Prince George's County, and for other purposes, for the
6 fiscal year beginning July 1, 2017, and ending June 30, 2018; adopting the current expense
7 budget, the capital improvement program, and the capital budget prepared according to the
8 Charter of Prince George's County and submitted by the County Executive to the County
9 Council; appropriating the items of expense in said current expense budget; establishing rates of
10 reimbursement for subsistence expenses for employees of the County; providing for the
11 inclusion of all State, Federal and private grants received subsequent to adoption of the current
12 expense budget; imposing the applicable income and special area tax rates under the public
13 general laws and public local laws of Maryland; all to be known as the Annual Budget and
14 Appropriation Ordinance of Prince George's County for Fiscal Year 2018.

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
16 Maryland, that subject to and in accordance with the authority of the Charter of Prince George's
17 County, the public general laws and public local laws of Maryland relating to budget
18 procedures, and pursuant to applicable local ordinances heretofore enacted, the several amounts
19 specified in the current expense budget of Prince George's County and of the Board of
20 Education of Prince George's County as submitted by the County Executive to the County
21 Council on or before March 15, 2017, and incorporated in a document entitled "Proposed

1 Current Expense Budget Fiscal Year 2018", an authenticated copy of which is incorporated
2 herein by reference and made a part hereof as though it were set forth fully herein, is hereby
3 authorized and appropriated for the several purposes specified in the proposed budget document
4 under Function/Program/Agency/Activity, financial summary or function in the case of the
5 Board of Education, to pay salaries, wages, fees and all other current expenses for the Prince
6 George's Community College and for schools, institutions, departments, boards, commissions,
7 committees, offices and agencies in and of the said County and for the Board of Education. The
8 aforementioned budget is hereby adopted and approved, for the fiscal year beginning July 1,
9 2017 and ending June 30, 2018.

10 SECTION 2. The amount of reimbursement for expenses for subsistence incident to the
11 performance of official duties of officers or employees of the County shall be at the following
12 rates:

13 Meals will be reimbursed on the basis of actual costs including gratuities, with the
14 following limits, unless a greater amount is specifically authorized by the Chief Administrative
15 Officer for the Executive Branch or Council Administrator for the Legislative Branch on the
16 facts of each case:

- 17 a. Breakfast \$6.00
- 18 b. Lunch \$10.00
- 19 c. Dinner \$20.00
- 20 d. Conference meals are reimbursed at actual costs.
- 21 e. Mileage reimbursement for use of private vehicles for County business shall be
22 \$0.36 per mile.

23 SECTION 3. FEDERAL, STATE AND PRIVATE GRANTS. All Federal, State and
24 private grants not included in the current expense budget of the County or any agency subject to
25 control of the County shall upon receipt be included as a part of the current expense budget of
26 the County or agency's budget for the year received, or for the term of the grant, whichever is of
27 greater duration, to be expended for the purpose set forth in the grant. Prior to the expenditure
28 of any monies therefrom the agency shall receive approval from the County Executive and
29 County Council. Any unexpended funds shall be included in the next annual budget.

30 SECTION 4. CAPITAL IMPROVEMENT PROGRAM. Subject to and in accordance
31 with the authority of the Charter of Prince George's County, the public general laws and public

1 local laws of Maryland relating to budget procedures, the several capital improvement projects
2 and amounts specified thereto, contained in the capital program and the capital budget of Prince
3 George's County for the Prince George's Community College and for the various offices,
4 departments, boards, commissions, institutions, corporations and agencies, excluding the
5 Washington Suburban Sanitary Commission, as submitted by the County Executive to the
6 County Council on or before March 15, 2017, and subsequently amended by the County
7 Executive, and incorporated in a document entitled "Fiscal Years 2018 - 2023 Capital
8 Improvement Program - Fiscal Year 2018 Capital Budget", an authenticated copy of which is
9 incorporated herein by reference and made a part hereof as though it were fully set forth herein,
10 is hereby adopted and approved. The capital budget hereby adopted constitutes the total
11 appropriation for projects that are scheduled for implementation in Fiscal Year 2018 and those
12 projects previously authorized. Inclusion of any project in the Capital Improvement Program,
13 with all funding shown in the category "Beyond Six Years", shall mean that this project is not
14 "programmed" for the purpose of evaluating the adequacy of public facilities in accordance with
15 the subdivision regulations and the Zoning Ordinance. The County expects that certain costs of
16 the approved Capital Projects will be paid before the date of issuance of bonds (or other
17 obligations of the County to be issued after the date of adoption of this Act) from a source of
18 funds other than a County borrowing (each, a "Prior Expenditure" and collectively, the "Prior
19 Expenditures"). The County hereby declares, in accordance with Section 1.150-2 of the Income
20 Tax Regulations, its intention to use a portion of the proceeds of bonds (or other obligations of
21 the County to be issued after the date of adoption of this Act) to reimburse itself for Prior
22 Expenditures paid no earlier than 60 days before the date of adoption of this Act. In accordance
23 with Section 1.150-2 of the Income Tax Regulations, the maximum principal amount of
24 obligations expected to be issued for the approved Capital Projects is set forth in the respective
25 Funding Schedules in the Capital Improvement Program. The County recognizes that, under
26 Section 1.150-2 of the Income Tax Regulations, the use of proceeds of bonds to reimburse the
27 County for a Prior Expenditure (other than certain de minimis or preliminary expenditures
28 described in Section 1.150-2(f) of the Income Tax Regulations) generally will be permitted only
29 to the extent that: (i) the Prior Expenditure constitutes a capital expenditure for federal income
30 tax purposes; (ii) the Prior Expenditure was paid not earlier than 60 days before the date of
31 adoption of this Act; and (iii) the allocation of proceeds of the bonds to such reimbursement is

1 made not later than 18 months after the later of (a) the date the Prior Expenditure was paid, or
2 (b) the date the applicable approved Capital Project is placed in service or abandoned, but in no
3 event more than three years after the Prior Expenditure was paid.

4 SECTION 5. COUNTY ENERGY TAX. Pursuant to the County taxing authority
5 conferred by way of public local laws enacted by the Maryland General Assembly, codified at
6 Section 10-205.01(i)(2) of the Prince George's County Code, 2015 Edition, 2016 Supplement, as
7 amended, the following Energy Tax Rates are hereby established, via action upon and approval
8 of this Act by the County Council, for energy bills rendered on or after July 1, 2017:

<u>TYPE OF ENERGY</u>	<u>RATE</u>
Electricity	\$0.009908 per Kilowatt Hour
Natural Gas	\$0.057534 per Therm
Fuel Oil	\$0.178664 per Gallon
Propane	\$0.192840 per Gallon

14 SECTION 6. COUNTY INCOME TAX. Pursuant to Section 10-106, Tax - General
15 Article, Annotated Code of Maryland, as amended, which requires each County to set a county
16 income tax rate equal to at least one percent (1%) but not more than three and two tenths percent
17 (3.2%) of an individual's Maryland taxable income, the County Council has set in CR-22-2008,
18 adopted on May 20, 2008, a County income tax rate of three and two tenths percent (3.2%) of an
19 individual's Maryland taxable income tax for the calendar years beginning January 1, 2009.

20 SECTION 7. EMERGENCY TRANSPORTATION FEE. Pursuant to Section 11-346 of
21 the Prince George's County Code, which requires that the fee for emergency transportation be
22 established in the Annual Budget and Appropriation Ordinance and pursuant to Section 11-347
23 which requires that revenues from the fees imposed for emergency transportation by the County
24 shall be used for operation and capital expenses related to emergency transportation, the
25 following emergency transportation fees are hereby set for emergency transportation services
26 rendered on or after July 1, 2017:

<u>TYPE OF EMERGENCY TRANSPORTATION SERVICE</u>	<u>FEE</u>
Basic Life Support	\$500.00
Advanced Life Support 1	\$650.00
Advanced Life Support 2	\$750.00

Mileage fee \$5.00 per mile

SECTION 8. AMENDMENTS TO THE CURRENT EXPENSE BUDGET, THE CAPITAL PROGRAM, AND THE CAPITAL BUDGET. The proposed current expense budget of Prince George's County and of the Board of Education, referred to above in Section 1 of this Act, and the Capital Improvement Program and Capital Budget referred to in Section 4 above, are hereby amended as set forth in Exhibits 1, 2, 3, and 4 attached hereto and made a part hereof:

The amount of the revenue estimates in the current expense budget for all funds as submitted by the County Executive as set forth in the Proposed Budget, Fiscal Year 2018 is hereby set at the sum of \$3,876,478,800 in accordance with the revenue schedule on the ensuing pages.

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PRINCE GEORGE'S COUNTY

FISCAL YEAR 2018

REVENUE

REVENUE ITEM	PROPOSED FY 2018	COUNCIL APPROVED FY 2018
PROPERTY TAXES	\$ 809,610,900	\$ 809,610,900
(Including Personal Property Taxes)		
BOARD of EDUCATION – Tax Increase	37,349,700	37,349,700
INCOME TAXES	628,439,600	632,685,000
TRANSFER & RECORDATION TAXES	151,591,800	151,591,800
OTHER LOCAL TAXES	133,053,000	133,053,000
STATE SHARED TAXES	3,494,100	3,494,100
LICENSES & PERMITS	57,316,500	54,933,600
USE OF MONEY & PROPERTY	5,269,400	5,269,400
CHARGES FOR SERVICES	44,034,500	44,034,500
INTERGOVERNMENTAL REVENUES	33,233,300	32,282,500
MISCELLANEOUS REVENUES	14,249,000	14,249,000
OTHER FINANCING SOURCES	5,930,900	13,115,900
BOARD OF EDUCATION AID	1,224,322,300	1,236,262,300
COMMUNITY COLLEGE AID	74,146,100	75,072,800
LIBRARY AID	<u>8,532,900</u>	<u>8,532,900</u>
TOTAL GENERAL FUND	\$ 3,230,574,000	\$ 3,251,537,400
INTERNAL SERVICE FUNDS	51,132,300	51,762,300
ENTERPRISE FUNDS	184,412,200	184,412,200
SPECIAL REVENUE FUNDS	190,081,300	190,162,400
GRANT PROGRAMS	<u>186,986,600</u>	<u>198,604,500</u>
TOTAL ALL FUNDS	\$ 3,843,186,400	\$ 3,876,478,800

1 The following amendments to the revenue estimates in the FY 2018 current expense
2 budget were made and submitted by the County Executive and are reflected in amendments
3 made by the State of Maryland or are a result of adjustments made by the County Council.

4 GENERAL FUND

5 Income Taxes

6 Increase revenue by \$4,245,400 to reflect increased funding related to the Disparity Grant
7 as a result of adjustments made by the County Executive on May 25, 2017.

8 Licenses and Permits

9 Decrease revenue by \$2,382,900 to reflect revised projections for business licenses for
10 Video Lottery Terminal and Table Game revenues as a result of adjustments made by the
11 County Executive on May 25, 2017.

12 Intergovernmental Revenues

13 Decrease revenue by \$1,200,800 related to a reduction in Maryland-National Capital Park
14 and Planning project charges for the Memorial Library System as a result of adjustments made
15 by the County Executive on May 25, 2017.

16 Increase revenue by \$250,000 a change to the People's Zoning Counsel as a result of
17 adjustments made by the County Executive on May 25, 2017.

18 Other Financing Sources

19 Increase revenue by \$1,500,000 to reflect an increase in the use of fund balance for the
20 Department of Housing and Community Development Housing Rehab Assistance Program as a
21 result of adjustments made by the County Executive on May 25, 2017.

22 Increase revenue by \$2,150,000 to reflect an increase in the use of fund balance for various
23 one-time initiatives as a result of adjustments made by the County Council.

24 Increase revenue by \$3,535,000 to reflect a transfer in from the Economic Development
25 Incentive (EDI) fund for a grant for DDA service providers in Prince George's County as a
26 result of adjustments made by the County Council.

27 Board of Education Aid

28 Increase revenue by \$12,000,000 to reflect the use of the Board of Educations' fund
29 balance as a funding source as a result of adjustments made by the County Executive on May
30 25, 2017.

31 Decrease revenue by \$60,000 as a result of reduction in State Aid as a result of adjustments

1 made by the County Executive on May 25, 2017.

2 Community College Aid

3 Increase revenue by \$450,000 to reflect the use of the Community College’s fund balance
4 to fund various one-time initiatives as a result of adjustments made by the County Executive on
5 May 25, 2017.

6 Increase revenue by \$476,700 as a result of additional State Aid as a result of adjustments
7 made by the County Executive on May 25, 2017.

8 SUBTOTAL GENERAL FUNDS – (\$20,963,400)

9 INTERNAL SERVICE FUNDS

10 Increase revenue by \$630,000 in the Fleet Management Internal Service Fund from
11 available fund balance for the purchase of property as a result of adjustments made by the
12 County Executive on May 25, 2017.

13 SUBTOTAL INTERNAL SERVICE FUNDS – (-\$630,000)

14 SPECIAL REVENUE FUND

15 Increase revenue by \$81,100 in the Property Management Special Revenue Fund from
16 available fund balance for security expenses related to properties as a result of adjustments
17 made by the County Executive on May 25, 2017.

18 SUBTOTAL SPECIAL REVENUE FUNDS – (\$81,100)

19 GRANTS

20 Net increase in grant revenue by \$11,617,900 due to changes to the Office of Central
21 Services, Circuit Court, Fire/EMS Department, Department of Corrections, Department of
22 Family Services, Health Department, Department of the Environment, and the Department of
23 Public Works and Transportation as a result of adjustments made by the County Executive on
24 May 25, 2017.

25 SUBTOTAL GRANTS – (\$11,617,900)

26 TOTAL ALL FUNDS - (\$33,292,400)

27 SECTION 9. TRANSFER TAX. Pursuant to Section 10-187(e) of the Prince George's
28 County Code, all transfer tax revenue collected by Prince George's County in Fiscal Year 2018
29 shall be used for funding the Instructional Salaries, Instructional Materials and Related Costs,
30 Special Education, and Fixed Charges Categories of the Board of Education approved Fiscal
31 Year 2018 Budget.

1 SECTION 10. BE IT FURTHER ENACTED that, notwithstanding the provisions of
2 Section 10-261 of the Prince George's County Code, the County Executive may identify
3 vehicles forfeited to the County, which vehicles may be sold with the proceeds thereof
4 benefiting local charitable organizations.

5 SECTION 11. BE IT FURTHER ENACTED that it is the intent of the County Council in
6 enacting the Capital Improvement Program pertaining to the Watershed Implementation Plan
7 (WIP II) that the following conditions shall attach and apply to the project:

8 A. Department of Environmental Resources present plans require that 22% of the
9 stormwater retrofits utilize Environmental Site Design (ESD), pursuant to Chapter 5
10 of the 2009 Maryland Stormwater Manual and Subtitle 32 of the County Code, and
11 78% use conventional stormwater management retrofits.

12 B. It is the intention of the Council that the County must use these funds to implement
13 the proposed ESD first before either performing ESD or conventional retrofits, that
14 the Department of Environmental Resources continue to research and develop ways
15 to reduce the cost of ESD, initiate and complete an evaluation of the costs and
16 economic benefits of the two approaches and provide the Council with a report by
17 December 31, 2016.

18 SECTION 12. BE IT FURTHER ENACTED that the Fire Chief, the Chief of Police, and
19 the Director of Corrections shall provide reports to the County Council within 30 days of the
20 end of each month concerning the level of expenditures within the Fire/Emergency Medical
21 Services Department, the Police Department, and the Department of Corrections, respectively,
22 for overtime compensation, including paid time off in lieu of overtime compensation, and the
23 deviation from the amount authorized for the payment of overtime compensation in the adopted
24 budget, and that the Director of Management and Budget shall provide a report to the County
25 Council not later than January 30, 2018, of the level of expenditures for overtime compensation
26 for each agency and department as of December 31, 2017.

27 SECTION 13. BE IT FURTHER ENACTED that the Director of Management and
28 Budget and the Director of Finance shall provide reports to the County Executive and the
29 County Council within 15 days of the end of each bi-monthly period, beginning on September
30 30, 2017, for the months of July and August, concerning the level of revenues received and the
31 level of expenditures made or encumbered to determine whether the anticipated level of

1 revenues and expenditures that formed the basis for the adoption of this Annual Budget and
2 Appropriation Ordinance are being realized during the course of the fiscal year.

3 SECTION 14. BE IT FURTHER ENACTED that the Director of the Department of
4 Public Works and Transportation shall provide a report to the County Executive and the County
5 Council by September 30, 2017, concerning the status of the road resurfacing needs in the
6 County to assist the County Council in their development of a road resurfacing priority funding
7 list to be expended as provided in the Curb and Road Rehabilitation 2 (FD661021) capital
8 improvement program project; and such road resurfacing projects shall have a goal of at least
9 51% of those related jobs being held by County residents. The Department of Public Works and
10 Transportation will work with the County Council on identifying projects in the council districts
11 for the apportioned funds.

12 SECTION 15. BE IT FURTHER ENACTED that there is a General Fund operating
13 reserve, equal to two percent of the General Fund budget, subject to appropriation only in
14 accordance with Section 816 of the Charter for Prince George's County, Maryland, to meet a
15 public emergency, which constitutes a sudden, unexpected or unforeseen condition or
16 occurrence, creating an imminent hazard to life, health or property and requiring immediate
17 action.

18 SECTION 16. BE IT FURTHER ENACTED that there is a three-person committee to
19 assign fund balance in the General Fund consisting of (1) the Director of the Office of
20 Management and Budget, or his or her designee; (2) the Director of Finance of the County, or
21 his or her designee; and (3) the County Council Administrator, or his or her designee.

22 SECTION 17. BE IT FURTHER ENACTED that if any person holding an office of profit
23 within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, is
24 appointed to a second office within the meaning of Article 35 of the Declaration of Rights,
25 Constitution of Maryland, in the opinion of the County Attorney, then no compensation or other
26 emolument, except expenses incurred in connection with attendance at hearings, meetings, field
27 trips, and working sessions, shall be paid from any funds appropriated by this budget to that
28 person for any services in connection with the second office.

29 SECTION 18. BE IT FURTHER ENACTED that, in accordance with Section 815 of the
30 Charter, the County Executive has submitted a proposed listing of positions for each agency of
31 the County, a copy of which is attached as Exhibit 6, and the County Council has delineated a

1 proposed listing of positions for the County Council, a copy of which is attached as Exhibit 5,
 2 the County Council approves the number of positions contained in Exhibit 5 and Exhibit 6 for
 3 Fiscal Year 2018.

4 SECTION 19. BE IT FURTHER ENACTED that prior to any expenditure of MGM
 5 National Harbor local impact grant funds for services and improvements consistent with
 6 infrastructure, facilities, public safety, sanitation, economic and community development,
 7 including housing, and other public services and improvements, and subsequent to the local
 8 development council’s review, comment and recommendations on the multiyear plan for the
 9 expenditure of the MGM National Harbor local impact grants for services and improvement, the
 10 County Executive, pursuant to Section 10-309.2 (b) of the Prince George’s County Code, shall
 11 transmit the multiyear plan to the Council for review and approval by resolution. A published
 12 notice and a public hearing shall be required prior to adoption of the resolution.

13 SECTION 20. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 14 declared to be severable; and, in the event that any section, subsection, paragraph,
 15 subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or
 16 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
 17 not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs,
 18 subsections, or sections of this Act, since the same would have been enacted without the
 19 incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence,
 20 subparagraph, subsection, or section.

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SECTION 21. EFFECTIVE DATE. This Act shall take effect on July 1, 2017.

Adopted this 25th day of May, 2017.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Derrick Leon Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

Note: See Exhibits 1, 2, 3, 4, 5, and 6